



City of NORFOLK

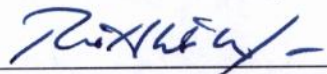
C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

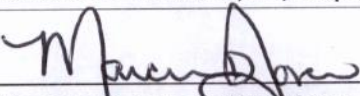
August 25, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Change of zoning from R-8 (Single-Family) to R-9 (Single-Family) at 3401-3405 Lens Avenue – Portside Improvements, LLC**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 3/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **PH-3**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Change of zoning from R-8 (Single-Family) to R-9 (Single-Family)
- IV. **Applicant:** Portside Improvements, LLC
- V. **Description:**
 - This application is a request to rezone the properties and resubdivide the three parcels into two parcels to allow for the addition of one new single-family home to be developed on the southern half of the site.
 - The applicant will preserve and rehabilitate the existing 1906 residential structure on the northern half of the site, converting the existing nonconforming triplex use back to a single-family home.
 - The proposed home to be built on the southern portion of the site will be designed to ensure compatibility with the surrounding residential development; with respect to the proposed footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.
 - The historic 1906 residential structure will be restored, which helps maintain the existing fabric and character within the Fairmount Park neighborhood and is in keeping with the goals of the adopted *Fairmount Park Neighborhood Revitalization Implementation Plan*.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated July 23, 2015 with attachments
- Letter of support – Fairmount Park Civic League
- Proponents and Opponents
- Ordinance



City of NORFOLK

Planning Commission Public Hearing: July 23, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Matthew Simons, CFM

JS

M. A.

Staff Report	Item No.	3	
Address	3401-3405 Lens Avenue		
Applicant	Portside Improvements, LLC		
Request	Conditional Change of Zoning		
Property Owner	Portside Improvements, LLC		
Site Characteristics	Site Area	9,000 square feet	
	Zoning	From: R-8 (Single-Family)	To: R-9 (Single-Family)
	Neighborhoods	Fairmount Park	
	Character District	Traditional	
Surrounding Area	North	R-8: single-family homes	
	East	R-8: single-family homes	
	South	R-8: single-family homes and duplexes	
	West	R-8: single-family homes	



A. Summary of Request

- This application is a request to rezone the properties and resubdivide the three parcels into two parcels to allow for the addition of one new single-family home to be developed on the southern half of the site.
- The applicant will preserve and rehabilitate the existing 1906 residential structure on the northern half of the site, converting the existing nonconforming triplex use back to a single-family home.

B. Plan Consistency

- *plaNorfolk2030* designates this site as Single-Family Traditional, which is identified as a location for single-family detached development on lots ranging from 50 to 70 feet in width and from 4,000 to 7,500 square feet in area.
- While the two proposed lots would fall within the range set forth for lot area in the Single-Family Traditional designation, the proposed lot widths of 45 feet do not fall within the established range.
- Given that the proposed development does not meet the development criteria for the Single-Family Traditional designation, the proposal is not consistent with *plaNorfolk2030*.

C. Zoning Analysis

i. General

- The site is within the Fairmount Park neighborhood, a traditional residential area developed with a mix of single-family, multi-family, institutional and some commercial uses along the commercial corridors.
- Currently, the Fairmount Park neighborhood consists of several subdivision tracts, developed over various periods of time in several phased sections which were added onto each other with interconnected block and street patterns.
 - This site of the proposed rezoning is located in the original 1903 subdivision tract within Fairmount Park known simply as *Fairmount Park*.
 - Adjacent subdivision tracts were added onto the *Fairmount Park* tract but with slightly different lot patterns;
 - *Lafayette Annex* – 1905 (25' wide lots) to the southwest
 - *West Fairmount Park* – 1920 (50' wide lots) to the immediate west
 - *Belmont Place* – 1920 (37.5 and 50' wide lots) to the south
 - *Fairmount Manor* – 1941 (50' and 53' wide lots) to the southwest
 - *Willard Park* – 1941 (60' wide lots) to the west
 - The original *Fairmount Park* subdivision tract consisted primarily of 30' wide lots, with most original homes being developed solely on one, 30' wide lot.
 - Over time, some of the homes in the *Fairmount Park* subdivision tract have been joined with vacant lots adjacent to existing homes.
 - However, many homes in this subdivision tract are still sited on the traditional 30' wide subdivision pattern and are not joined with a vacant side lot.

- This site is currently zoned R-8 which requires a minimum lot width of 50' and a minimum lot size of 5,000 square feet.
- The proposed R-9 zoning requires a minimum lot width of 40' and a minimum lot size of 4,000 square feet.
- The site currently consists of three 30' wide lots, from the original 1903 *Fairmount Park* subdivision tract, which currently are developed with one house on the northernmost lot, with two vacant lots to the south.
- The applicant is proposing to merge and resubdivide the three lots, creating two 45' wide lots.
 - The existing 30' lot located at 3403 Lens Avenue would be split evenly and the southern half would be combined with the vacant lot to the south (Lot A). The northern half would be combined with the lot containing the existing triplex to the north (Lot B).
 - Lot A would be developable for a single-family home under the proposed R-9 zoning designation.
 - Lot B would gain 50% more lot width and area than it currently has today.
- A condition would be placed on the property that requires the existing home to be restored back to a single-family use prior to the proposed new home receiving a Certificate of Occupancy.
- A Lot-Pattern Analysis shows the following range of lots and their percentages within the area.

Lot Pattern Analysis

Lot-Size Range	Within 1,000 feet (Includes Fairmount Park, West Fairmount Park and Fairmount Manor subdivisions)		Within 1,000' feet (only within same subdivision - Fairmount Park)	
	Number	Percentage	Number	Percentage
Lots in character with the proposal (Less than 50 ft. in width, or less than 5,000 sq. ft.)	68	27%	68	48%
Lots out of character with the proposal (Greater than or equal to 50 ft. in width, and greater than or equal to 5,000 sq. ft.)	256	73%	142	52%

- The lot pattern has evolved over time, and there are subdivision tracts in close proximity to the site which have lot patterns that are historically more in character with the R-8 zoning requirements, rather than the proposed R-9 zoning.
- However, the proposed rezoning would not be out of character with the original 1903 *Fairmount Park* lot pattern, which is still prevalent in this subdivision tract.
- Furthermore, the conditions proffered by the applicant will ensure that the site results in a net decrease in dwelling units on the site (three units within the

existing triplex versus two single-family homes), in addition to requiring both parcels to meet current off-street parking requirements.

- The proposed home to be built on the southern portion of the site will be designed to ensure compatibility with the surrounding residential development; with respect to the proposed footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.
- The historic 1906 residential structure will be restored, which helps maintain the existing fabric and character within the Fairmount Park neighborhood and is in keeping with the goals of the adopted Fairmount Park Neighborhood Revitalization Implementation Plan.

ii. Parking

- The site is located in the Traditional Character district, which requires two parking spaces per dwelling unit.
- Both lots will have to provide two off-street parking spaces.

iii. Flood Zone

The property is in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

Institute of Transportation Engineers (ITE) figures estimate that the replacement of a triplex with two single-family homes will generate one less vehicle trip per day.

E. Impact on the Environment

- The new house will comply with all standards set forth in the *Zoning Ordinance*, and will exceed the City's stormwater requirements in order to mitigate any potential impacts of the development.
 - Two trees will be required to be either preserved or installed and maintained for each lot prior to the proposed new home receiving a Certificate of Occupancy.

F. Impact on Surrounding Area/Site

- The proposed development will eliminate the nonconforming triplex use of the residential structure to the north, and it will ensure that the exterior of the 1906 structure will be adequately rehabilitated.
- The development of the new home to the south will be required to obtain a zoning certificate, which will ensure that the proposed home is compatible with the surrounding character of the neighborhood.
- As part of the planned infrastructure improvements associated with the *Fairmount Park PS 18 Ph. 16, Water & Sanitary Sewer Replacement* project, new curb, gutter, sidewalk, driveway aprons and asphalt surfacing will be installed along the entire street frontages for these lots within the next few years (anticipated construction FY 17).

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

Notice was sent to the Fairmount Park Civic League on June 10.

I. Communication Outreach/Notification

- Legal notice was posted on the property on June 16.
- The applicant attended the Fairmount Park civic league on June 25.
- Letters were mailed to all property owners within 300 feet of the property on July 10.
- Legal notification was placed in *The Virginian-Pilot* on July 9 and July 16

J. Recommendation

Staff recommends that the rezoning request be **approved** subject to the proffered conditions shown below:

1. The site shall be resubdivided in accordance with the conceptual site plan entitled "Proposed Subdivision of Lots 3, 4 & 5, Block 13 Map of Fairmount Park Norfolk, Virginia," as prepared by *Ward M. Holmes Land Surveyor, P.C.*, dated June 8, 2015, attached hereto and marked as "Exhibit A."
2. No certificate of occupancy shall be issued for a new single-family dwelling on Lot A until the existing residential structure on Lot B is converted from a nonconforming triplex to a single-family dwelling and is improved with a driveway sufficient to accommodate at least two off-street parking spaces on the site, and all final inspections are passed.
3. The existing wood windows or wood door along the Lens Avenue façade shall either be preserved or, if any of them are replaced, the replacement shall be done in kind with wood windows or a wood door with genuine divided lights and a muntin pattern that exactly matches the window or door being replaced.
4. No building permit shall be issued for the development of a single-family dwelling on Lot A until a zoning certificate has been granted by the Department of City Planning, which verifies that the proposed single-family dwelling to be built on the parcel is consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements. Examples may include but are not limited to the house styles found within the City of Norfolk's *Narrow Lot House Plans* book on file with the Department of City Planning.
5. To offset stormwater impacts of the development, the following landscaping shall be installed prior to the issuance of a certificate of occupancy for any building on the site:
 - i. Foundation plantings a minimum of three feet in depth shall be provided and maintained for all foundations facing the public right-of-way.
 - ii. Two trees shall be preserved or planted and maintained on each of the two zoning lots created by the subdivision.

Attachments

Location map

Zoning map

Lot Pattern Analysis map

1903 subdivision plat of *Fairmount Park* subdivision tract

Current picture of existing 1906 home on site – 2015

Historic picture of existing 1906 home – 1937

Application

Preliminary resubdivision plat/site plan

Notice to the Fairmount Park Civic League

Letter of Support – Fairmount Park Civic League

Proponents and Opponents


Proponents

Martin Casey – Applicant
3405 Lens Avenue
Norfolk, VA 23503

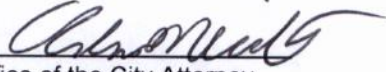
Opponents

None

07/20/2015

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTIES LOCATED AT 3401 TO 3405 LENS AVENUE FROM R-8 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO CONDITIONAL R-9 (SINGLE-FAMILY RESIDENTIAL) DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the properties located at 3401 to 3405 Lens Avenue are hereby rezoned from R-8 (Single-Family Residential) District to Conditional R-9 (Single-Family Residential) District. The properties are more fully described as follows:

Properties fronting 90 feet, more or less, along the western line of Lens Avenue and 100 feet, more or less, along the northern line of Columbia Avenue; premises numbered 3401 to 3405 Lens Avenue.

Section 2:- That the property rezoned by this ordinance shall be subject to the following conditions:

- (a) The site shall be subdivided in accordance with the conceptual site plan entitled "Proposed Subdivision of Lots 3, 4 & 5, Block 13; Map of Fairmount Park; Norfolk, Virginia," prepared by Ward M. Holmes Land Surveyor, P.C., dated June 8, 2015, attached hereto and marked as "Exhibit A."
- (b) No certificate of occupancy shall be issued for a new single-family dwelling on Lot A until the existing residential structure on Lot B is converted from a nonconforming multi-family dwelling to a single-family dwelling, Lot B is improved with a driveway sufficient to accommodate at least two off-street parking spaces on the site, and all final inspections are passed.

- (c) The existing wood windows or wood door along the Lens Avenue façade shall either be preserved or, if any of them are replaced, the replacement shall be done in kind with wood windows or a wood door with genuine divided lights and a muntin pattern that exactly matches the window or door being replaced.
- (d) No building permit shall be issued for any improvements on Lot A until a zoning certificate has been granted by the Department of City Planning, verifying that the proposed, new single-family dwelling to be constructed is consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements.
- (e) To offset stormwater impacts of the development, the following landscaping shall be installed prior to the issuance of a certificate of occupancy for any building on the site:
 - (1) Foundation plantings a minimum of three feet in depth shall be provided and maintained along all foundations facing the public right-of-way.
 - (2) Two trees shall be preserved or planted and maintained on each of the two zoning lots created by the subdivision.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

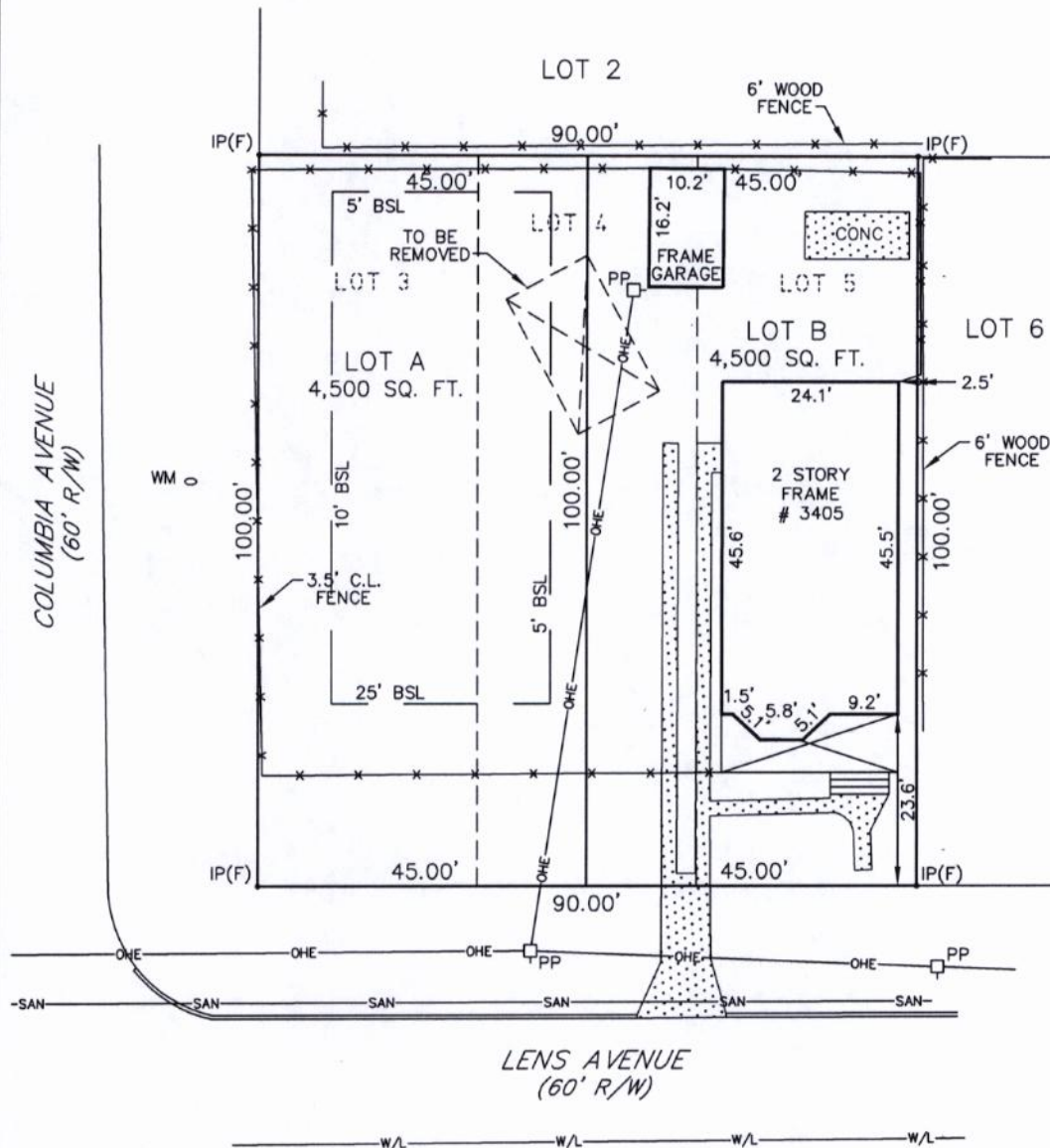
Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)

NOTES:

- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X"(UNSHADED) FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0095F, REVISED SEPT. 2, 2009.
- 2) THE SUBJECT PROPERTY IS CURRENTLY ZONED: R-8
- 3) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.

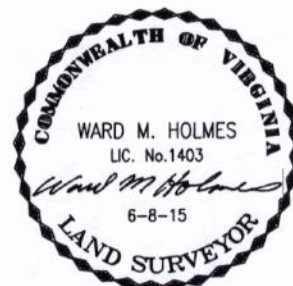
Exhibit A



PROPOSED
SUBDIVISION
OF
LOTS 3, 4 & 5, BLOCK 13
MAP OF FAIRMOUNT PARK
NORFOLK, VIRGINIA
FOR
MARTIN CASEY

DATE: JUNE 8, 2015
SCALE: 1" = 20'
NOTE: FOR PLAT SEE
M.B.6 PG.34-35
CHESAPEAKE, VA.

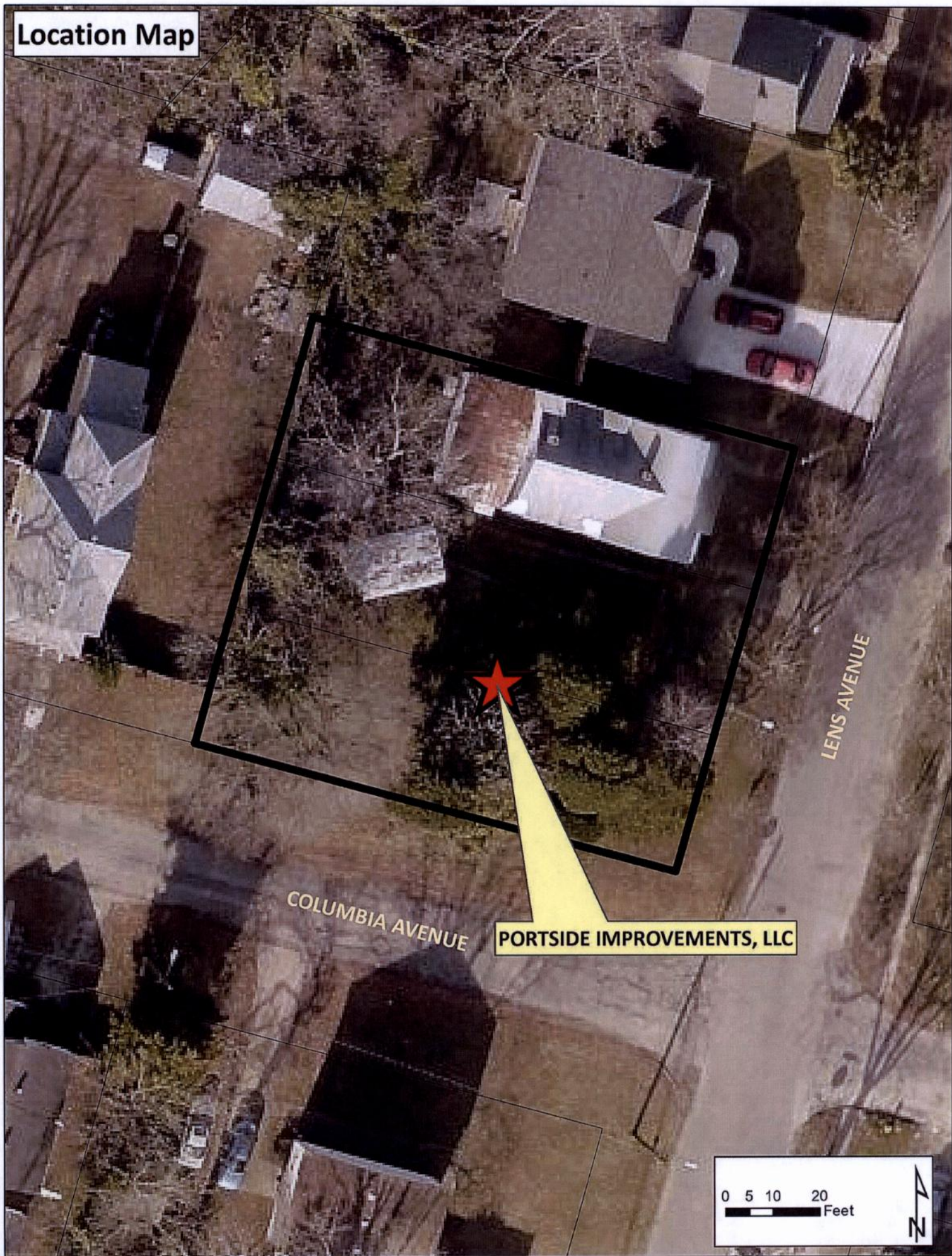
WARD M. HOLMES
LAND SURVEYOR, P.C.
9225 GRANBY STREET
NORFOLK, VIRGINIA 23503
757-480-1230



DRAWN BY: DHH

PROJECT NO. 15-388

Location Map



COLUMBIA AVENUE

LENS AVENUE

PORTSIDE IMPROVEMENTS, LLC

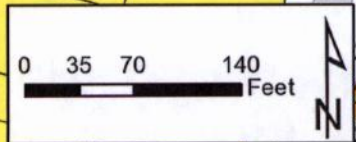
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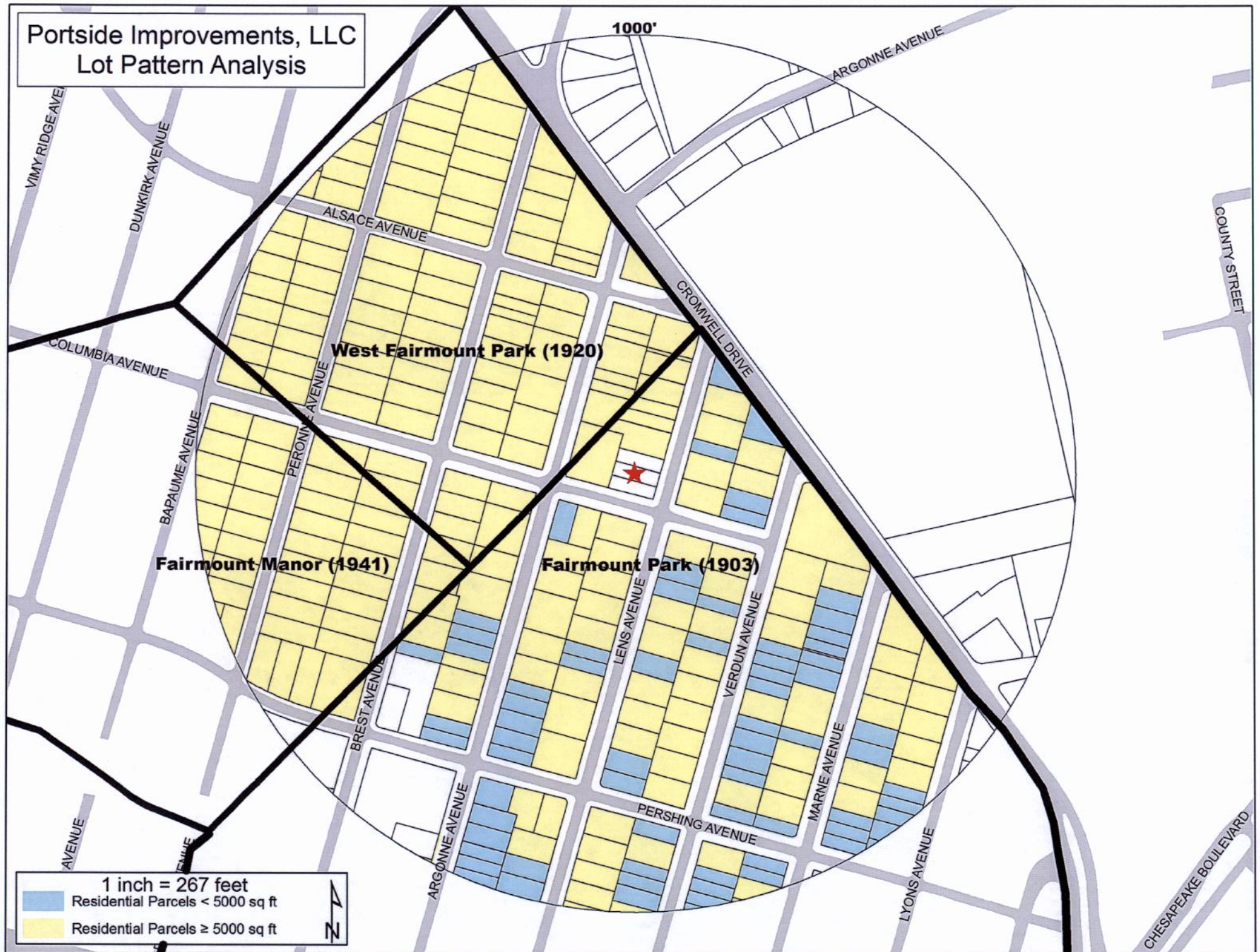
Zoning Map

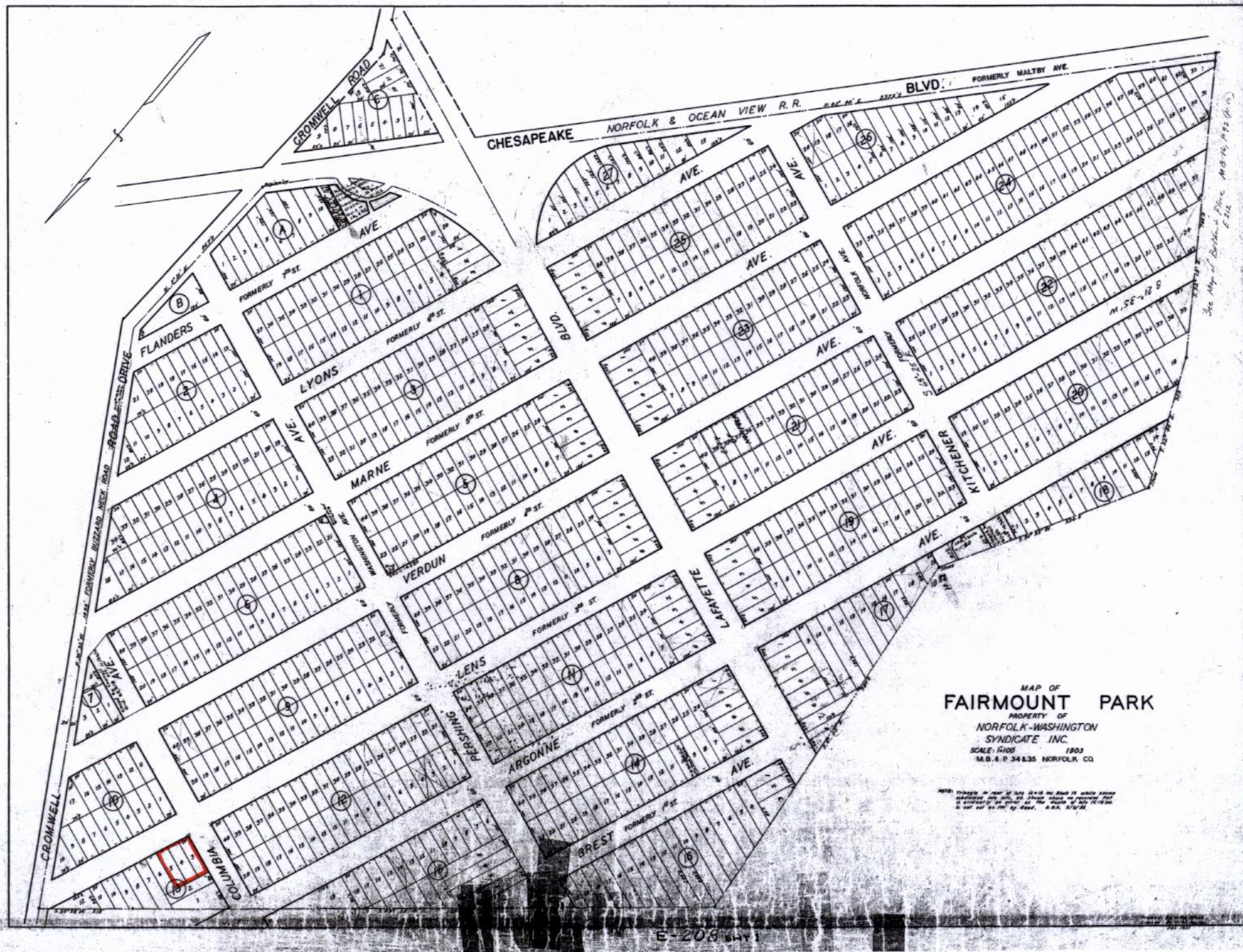


PORTSIDE IMPROVEMENTS, LLC



Portside Improvements, LLC Lot Pattern Analysis





E-208 541



DATE TAKEN

6/37





APPLICATION CONDITIONAL CHANGE OF ZONING

Date of application: June 8 2015

Conditional Change of Zoning

From: R-8 Zoning To: Conditional R-9 Zoning

DESCRIPTION OF PROPERTY

Property location: (Street Number) 3405 (Street Name) Leas Ave
Norfolk VA 23509

Existing Use of Property: Duplex

Current Building Square Footage 2100

Proposed Use Residential (Two 45' x 100') Building Sites

Proposed Building Square Footage 1500

Trade Name of Business (If applicable) Portside Improvements LLC

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Casey (First) Marti (MI) L

Mailing address of applicant (Street/P.O. Box): 7419 Sewells Point Rd Suite G

(City) Norfolk (State) VA (Zip Code) 23513

Daytime telephone number of applicant (757) 621-6840 Fax (757) 456-2312

E-mail address of applicant: mcasey3222@gmail.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Application
Conditional Rezoning
Page 2

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Casey (First) Martin (MI) L
Mailing address of applicant (Street/P.O. Box): 7419 Sewells Point Rd Suite 6
(City) Norfolk (State) VA (Zip Code) 23513
Daytime telephone number of applicant (757) 621-6840 Fax (757) 456-2312
E-mail address of applicant: MCasey3222@gmail.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Casey (First) Martin (MI) L
Mailing address of property owner (Street/P.O. box): 7419 Sewells Point Rd Suite 6
(City) Norfolk (State) VA (Zip Code) 23513
Daytime telephone number of owner (757) 621-6840 email: MCasey3222@gmail.com

CIVIC LEAGUE INFORMATION

Civic League contact: Fairmount Park Civic League - Taylor Gould
Date(s) contacted: 4/29/2015
Ward/Super Ward information: Ward 3, Superward 7

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

REQUIRED ATTACHMENTS

- ✓ Required application fee, **\$705.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
 - If accompanied with a necessary map amendment to the City's adopted general plan, *plaNorfolk2030*, an additional technology surcharge of **\$5** will be required.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- ✓ Proffered conditions.
- ✓ Written description and details of the operation of the business (i.e., # of employees, # of bays, reason for rezoning, etc...)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Martin L. Casey Sign: [Signature] 6/8/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Martin L. Casey Sign: [Signature] 6/8/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____
(Authorized Agent Signature) (Date)

July 8, 2015

City of Norfolk Department of Planning
Matthew Simons, CFM
City Planner II
810 Union Street
Suite 508
Norfolk, Virginia 23510



Reference: Re-zoning for lots 3, 4 and 5 at 3401, 3403 and 3405 Lens Avenue

Dear Mr. Simons,

This letter is acknowledging the Fairmount Park Civic League's support for the rezoning of the subject lots from R-8 Single-Family District to Conditional R-9 Single-Family District by Martin Casey of Portside Improvements, LLC. This rezoning would take three (3) existing thirty foot wide lots and create two (2) forty-five foot wide lots. The applicant met with the Civic League's representatives to discuss this project in May and on June 25th at our June monthly meeting, he presented his plans for the properties. The applicant will preserve and renovate a 1906 Dutch Colonial home located at existing 3405 Lens Avenue and build a conforming new home on the other forty-five foot corner lot. League representatives have met with Mr. Martin to discuss the new construction and would like to see the new home proposed on the corner lot to be proffered to a design that is in keeping with the architectural character of the neighborhood. The League strongly supports the creation of conforming houses to be built and the issue is an integral aspect of the Fairmount Park Neighborhood Revitalization Implementation Plan, adopted by City Council in 2004. Having worked with City staff on this issue on other projects, we ask that the following proffered conditions be part of this rezoning to include:

- No building permit shall be issued until a zoning certificate has been granted by the Department of City Planning, which verifies that the proposed single-family dwelling to be built on the parcel is consistent with the prevailing pattern in the neighborhood with respect to the footing, massing, scale, appearance, fenestration, roof lines and other exterior elements. Examples include but are not limited to the house styles from the Norfolk Narrow Lots House Plans.
- Any garage on the corner lot would face Columbia Avenue
- The preservation and conversion of the 1906 Dutch Colonial from a triplex to a single family home.

The community is excited about the preservation of a Dutch Colonial home while embracing the building of new conforming home that together help our neighborhoods long term goals while adhering to our values of good compatible design standards in our older urban neighborhood. A conforming home with a welcoming front porch and architectural detailing would be a welcome addition to a street and a neighborhood that is undergoing a revitalization.

Respectively,

Taylor Gould,
Chair, Codes and Beautification Committee
Immediate Past President, Fairmount Park Civic League
757-855-5031 fpcivicleague@gmail.com

cc. Tameeka Williams, President, Fairmount Park Civic League
Laurietta Dozier, Secretary, Fairmount Park Civic League

Celebrating 35 years of Service to our Neighborhoods and the City of Norfolk

www.fairmountparkcivicleague.com
<https://www.facebook.com/FairmountParkCivicLeague>

The Fairmount Park Civic League is committed to effectively serving the residents and businesses of nine neighborhoods and the City of Norfolk. The award winning organization is recognized as a leader, an advocate and a resource in assuring that Fairmount Park is a safe, clean, attractive and vital neighborhood to live and play and was named a 2011 Neighborhood Project of the Year Award Winner by the Virginia Statewide Neighborhood Conference.